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C O N F I D E N T I A L SARAJEVO 000876

SIPDIS

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SUBJECT: BOSNIA - SDA SURPRISINGLY BLOCKS SILAJDZIC VETO ON
CHURCH AGREEMENT

REF: SARAJEVO 863

Classified By: Political Counselor Michael J. Murphy. Reasons 1.4 (b) a
nd (d)

¶1. (SBU) On May 16, the Bosniak caucus of the Federation House of Peoples (HoP) rejected in a party line vote Bosniak member of the Tri-Presidency Haris Silajdzic's veto of the agreement between Bosnia and the Serbian Orthodox Church (reftel). Silajdzic sent his legal advisor, Damir Arnaut, to the HoP session for the vote, presumable to outline Silajdzic's concerns and lobby the MPs. It was not enough. Delegates from the Party for Democratic Action (SDA), a majority in the caucus, abstained from the vote, preventing the veto from gaining the two-thirds support required for confirmation. This was the first time that any Presidency veto had been overruled by a national caucus. Following the vote, representatives of Silajdzic's Party for BiH (SBiH) walked out the chamber, blocking a motion by caucus chairman Alija Begovic (SDA) to submit the agreement to the BiH Constitutional Court for review. SDA delegates heckled SBiH representatives and Arnaut as they exited the chamber. Without the caucus either sustaining Silajdzic's veto or referring the agreement to the court, the agreement will enter into force.

¶2. (SBU) Leading Serb political and religious leaders hailed the SDA decision to reject the veto, which surprised political observers, and took the opportunity to highlight what they asserted was Silajdzic's anti-Serb agenda. The Serb Orthodox Metropolitan in Bosnia, Nikolaj Mrdja, said that most Bosniaks had demonstrated "statehood maturity" in allowing the agreement, which had already been approved by the Council of Ministers and State Parliament, to go forward. Rajko Vasic, party spokesman for Republika Srpska Prime Minister Milorad Dodik's Alliance of Independent Social Democrats (SNSD), said that the failure to sustain the veto showed that political compromise remained possible in the country. Party leaders from the Serb Democratic Party (SDS) and Party for Democratic Progress (PDP) both underscored that the caucus decision showed that Silajdzic's antagonistic agenda may be losing favor with Bosniaks.

COMMENT

¶3. (C) We believe that Silajdzic's legal concerns were valid, but they were minor, and we believe his decision to block it was politically driven. As SDA representatives pointed out, Silajdzic could have asked for or supported proposals to have

the agreement submitted to the Constitutional Court for review and legal analysis. This would have been a more rational and legally consistent avenue for Silajdzic to pursue than attempting to block the agreement by declaring it against the "Vital National Interests" (VNI) of the Bosniak people. We understand that Silajdzic and his associates also elected not to engage in the drafting and redrafting of the agreement that occurred over a period of eight months. In this context, Arnaut's arguments at the HoP caucus session that the Constitutional Court was incapable of divorcing its decisions from politics, and that the VNI veto was the only means to block what was a dangerous and precedent setting agreement, ring hollow. SDA's move also underscores the growing rift between SDA and SBiH. Silajdzic wasted little time in denouncing SDA as undermining Bosniak unity "at the invitation of SNSD."

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